

TOM DAVIS, VIRGINIA,
CHAIRMAN

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
STEVEN C. LATOURETTE, OHIO
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE
JOHN SULLIVAN, OKLAHOMA
NATHAN DEAL, GEORGIA
CANDICE MILLER, MICHIGAN
TIM MURPHY, PENNSYLVANIA
MICHAEL R. TURNER, OHIO
JOHN R. CARTER, TEXAS
WILLIAM J. JANKLOW, SOUTH DAKOTA
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051
TTY (202) 225-6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
CHRIS VAN HOLLEN, MARYLAND
LINDA T. SANCHEZ, CALIFORNIA
C.A. DUTCH RUPPERSBERGER,
MARYLAND
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JIM COOPER, TENNESSEE
CHRIS BELL, TEXAS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 6, 2003

MEMORANDUM FOR MEMBERS OF THE GOVERNMENT REFORM SUBCOMMITTEES ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS AND CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

FROM: Doug Ose and Mark Souder



SUBJECT: Briefing Memorandum for October 10, 2003 Field Hearing, "Drug Production on Public Lands – A Growing Problem"

On Friday, October 10, 2003, at 10:00 a.m., the Subcommittees on Energy Policy, Natural Resources and Regulatory Affairs and Criminal Justice, Drug Policy and Human Resources will hold a joint field hearing on illegal drug production on public lands. It will be held in the Wuksachi Village and Lodge, which is located in the Sequoia National Park, California.

Since the 1970s, illegal drugs have been produced on Federal lands managed by the Department of the Interior (DOI) and the Department of Agriculture (USDA).¹ In recent years, however, law enforcement units in DOI's National Park System (NPS) and Bureau of Land Management (BLM), USDA's Forest Service (FS), and State land management agencies have noticed a marked increase in drug production. What were once small marijuana gardens planted by local residents are now large-scale marijuana and metamphetamine ("meth") operations run by well-funded and armed Mexican nationals. Similarly, the recent discovery of 40,000 opium plants in the Sierra National Forest suggests that drug production has not only increased but also expanded. These new operations have effectively strained law enforcement operations, and have endangered public safety and America's natural resources in parks and forests across the nation.

Mexican Cartels and Increasing Production

Increased drug cultivation on public lands is largely attributed to three factors. First and foremost, the resources available on public lands allow Mexican cartels to produce marijuana that

¹ DOI's land management bureaus include the Bureau of Indian Affairs, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. USDA includes the U.S. Forest Service.

contains a high percentage of delta-9-tetrahydrocannabinol (THC), the drug's active ingredient.² Marijuana produced in Mexico is typically of lower quality and usually cannot garner the prices that American-grown marijuana can.

Second, Mexican cartels are increasingly growing marijuana on American public lands because of the mounting difficulty of smuggling drugs through ports of entry in the post-September 11th era. Tighter border security at ports of entry has not only diverted cartels to alternate drug smuggling routes but also created a perverse incentive for cartels simply to grow marijuana in America, smuggling in workers to cultivate gardens rather than smuggling in the drugs themselves.

Lastly, marijuana production has increased on public lands because of inadequate law enforcement and the relatively small risk of being prosecuted. Although Federal land management agencies employ talented law enforcement officers, their law enforcement divisions are understaffed and inadequately funded, and, thus, are unable to fully address the myriad of problems that arise on the 700 million acres they police. Similar challenges are faced by State agencies. Rough Federal estimates suggest that law enforcement currently eradicates about one-third to one-half of the marijuana gardens, at best, and suspects are often able to evade capture.

Risks to Public Safety and Natural Resources

Park visitors or employees who unknowingly venture too close to the marijuana cultivation sites are in grave danger of being injured or killed by marijuana growers or their booby traps. Firearms and other weapons have been found at nearly every Mexican cartel marijuana operation, and it is believed that growers are instructed to take all measures necessary to protect their valuable crop. Park visitors and employees have reported incidents of being held hostage or shot at after stumbling upon hidden marijuana gardens.

Marijuana cultivation also poses a significant danger to our natural resources. Growers often clear land and terrace hillsides to create the gardens and the camps they inhabit, and divert streams into miles of irrigation hoses. Over the 6-month growing season, chemicals from fertilizers, herbicides, insecticides, and rodent poison contaminate streams and watersheds, and hundreds of pounds of human waste, trash, and poached animal carcasses accumulate in the camp. When the camps are discovered, land management agencies usually attempt to remove some of the debris, but often lack the resources to properly restore the land. Moreover, the costs of cleanup can be prohibitive. With little or no remediation, it will take decades for the discovered and undiscovered cultivation sites to return to their natural state. This is of particular concern because many cultivation sites are located in wilderness areas.

Also of concern is the fire risk that marijuana cultivation and meth labs pose to forests and parks. By cooking, smoking, and poaching in the thick vegetation, growers increase the potential for forest fires. Likewise, meth labs impose an inherent fire risk because of the presence of volatile chemicals and the potential for explosions. In 2001, a meth lab explosion in Mendocino County, California burned 242 acres of forestland and killed two firefighters.

² Marijuana with a THC content of 6 percent or more is considered "high quality." The average THC content of plants grown on Federal lands is 8 to 10 percent. Some plants grown on Federal lands have had an 18 percent THC content.

Addressing the Problem

To combat drug production on their lands, USDA/FS and DOI law enforcement units formed cooperative relationships with Federal, State, and local agencies, including the U.S. military. By pooling their resources, in 2002, these multi-agency task forces eradicated 597,797 marijuana plants, 187 meth labs, and 120 meth dumpsites from our national forests. National forests in California accounted for over 420,866 of these plants, while the Mark Twain National Forest in Missouri accounted for 59 of the meth labs and 69 of the dumpsites discovered. The same year, 46,511 marijuana plants and 6 meth labs were eradicated from our national parks, and 94,791 marijuana plants were seized from DOI/BLM lands in California. On the State level, in 2002, California's Campaign Against Marijuana Planting seized a record 354,164 marijuana plants, 56 percent of which were on public lands within the State.

Given the uncertain extent of the problem, it is nearly impossible to evaluate the relative success of these efforts. Through global positioning satellite technology, USDA/FS and DOI/NPS can determine the amount of land that is suitable for growing marijuana, but can only estimate how many gardens have actually been planted on their lands. Anecdotal evidence suggests that, at best, Federal law enforcement officials identify about one-third to one-half of the marijuana cultivation sites. Similarly, locating meth labs is difficult, given the mobility of meth production.

USDA/FS and DOI/NPS attribute their inability to locate and eradicate drugs on their lands to inadequate funding for personnel and equipment, and to the competition between programs for limited resources. A January 2002 report published by the DOI's Inspector General (IG) also suggested that deficiencies within DOI's law enforcement programs impede effective policing of DOI lands. This report, which set forth 25 recommendations to improve departmental law enforcement performance and accountability, called for changes in law enforcement personnel allocation and the Special Agent reporting structure, mandatory crime reporting requirements, and single line item budgets for law enforcement units. An August 2003 IG progress report on DOI's implementation of these recommendations characterized DOI law enforcement reform as a "work in progress," and indicated significant progress had been made, but "much remains to be accomplished."

Witnesses

Panel I:

Richard Martin, Superintendent, Sequoia and Kings Canyon National Parks, DOI/NPS
 Arthur Gaffrey, Forest Supervisor, Sequoia National Forest, USDA/FS
 Stephen C. Delgado, Special Agent in Charge, San Francisco Field Division, Department of Justice's Drug Enforcement Administration

Panel II:

Val Jiminez, Special Agent Supervisor and Commander, Campaign Against Marijuana Planting, California Bureau of Narcotic Enforcement
 Lisa Mulz, Superintendent of Law Enforcement and Public Safety, California Department of Parks and Recreation
 Captain David Williams, Tulare County Sheriff
 Joe Fontaine, Member, Board of Directors, Wilderness Watch